

CHAPTER 43
FORMERLY
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 143
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATOR LICENSURE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter II, Chapter 12, Title 14 of the Delaware as follows:

Subchapter II. Three-Tiered Licensure System

§ 1210. Tier One — Initial licensure.

(a) An initial license is valid for 4 years unless revoked. The Department shall issue an initial license under this section if an applicant demonstrates that the applicant received a bachelor's degree from a regionally accredited 4-year college or university, has achieved a passing score on a content-readiness exam, and has either completed a student teaching program or meets any 1 of the following alternatives to student teaching:

(1) One year of teaching experience consisting of a minimum of 91 days of long-term teaching experience in 1 assignment, except that this provision shall not apply to applicants seeking an initial license to teach in a core content area. For the purposes of this section, “core content area” means any subject area tested by the state assessment system, including mathematics, English/language arts, science, and social studies. Experience in an alternative routes for teacher licensure and certification program or the Special Institute for Teacher Licensure and Certification Program may not be used to meet this alternative; or

(2) The applicant is enrolled and participating in the alternative routes for teacher licensure and certification program pursuant to subchapter VI of this title; or

(3) The applicant is enrolled and participating in the Special Institute for Teacher Licensure and Certification pursuant to subchapter V of this chapter; or

(4) The applicant is applying for an initial license and certification as a specialist and completes a supervised practical experience in the specialty area equivalent to student teaching as recognized pursuant to rules and regulations promulgated and adopted pursuant to this chapter. Equivalent practical experience in the specialty area may include but is not limited to a supervised internship, a practicum, or clinical experience. For purposes of this section, “specialist” means an educator other than a teacher recognized pursuant to rules and regulations promulgated and adopted pursuant to this chapter who is eligible to apply for both licensure and certification from the State to engage in other related professional support services.

(b) [Repealed.]

(c) If an initial licensee intends to apply for a continuing license, the licensee shall, prior to the expiration of that initial license, obtain a passing score on an approved performance assessment within the first two years of the

initial license, and complete professional development and mentoring activities required by rules and regulations promulgated and adopted pursuant to this chapter.

(d) Notwithstanding the provisions of § 1210 of this title and subsection (a) of this section and pursuant to rules and regulations promulgated and adopted pursuant to this chapter, the Department may issue an initial license to an applicant with at least 1 year of teaching experience but less than 4 years of teaching experience who is licensed as an educator in another jurisdiction or to an applicant who previously held a valid Delaware certificate that has since expired. An applicant issued an initial license under this subsection must complete all requirements enumerated in subsection (c) of this section, except for obtaining a passing score on an approved performance assessment.

(f) Notwithstanding the provisions of subsections (a), (c), and (d) of this section, an initial license may be issued for a period of up to 6 years for applicants in a vocational trade and industry ("skilled and technical sciences" or "STS") area to complete specified college level course work required for certification. Such applicants must obtain a passing score on an approved performance assessment prior to the expiration of initial licensure.

(g) [Repealed.]

(h) Notwithstanding the provisions of subsections (a) and (c) of this section, the Department shall issue an initial license to an applicant who meets the criteria for meritorious new teacher candidate designation adopted pursuant to § 1203 of this title. The applicant issued an initial license under this subsection and who intends to apply for a continuing license must complete all requirements of subsection (c) of this section, except for obtaining a passing score on an approved performance assessment.

(i) On or before January 20, 2022, the Department of Education shall provide a report to the General Assembly on the impact of the established requirement of the performance assessment under this subchapter. Such report shall be conducted by an independent entity. The report shall include, but not be limited to, a comparative analysis of student performance of students taught by novice educators having passed a performance assessment and students taught by novice educators who have not successfully passed a performance assessment. The report shall include overall educator retention rates, including information on educators who remain in original placement schools and educators who remain in the teaching profession. The report shall be inclusive of the academic years July 1, 2016, through June 30, 2021.

(j) Rules and regulations promulgated and adopted under this chapter must provide for the acceptance of a passing score on a state-created and approved performance assessment from another state or jurisdiction to meet the performance assessment requirement.

§ 1211. Tier Two— Continuing licensure.

(b) Upon application, the Department shall issue a continuing license to an educator holding an initial license if the educator has successfully completed the requirements of § 1210 of this title and has not received more than 1 unsatisfactory annual evaluation, as defined by a State of Delaware approved educator performance system, during the period of initial licensure.

§ 1212. Continuing licensure — Renewal.

Upon application, the Department shall renew a continuing license for an additional 5-year term if the educator has completed 90 clock-hours of approved professional development, as well as other professional development and mentoring requirements as required by the rules and regulations promulgated and adopted pursuant to this chapter. For the purpose of this section, "clock-hour" means actual time spent in professional development, not credit hours. The Standards Board shall review the professional development requirements of this section on an ongoing basis for the purpose of proposing regulations that modify the minimum requirements of this section and that improve the effectiveness of professional development.

§ 1213. Tier Three — Advanced licensure.

An advanced license is valid for up to 10 years unless extended pursuant to § 1216 of this title or revoked. Upon application, the Department shall issue an advanced license to an educator who receives National Board for Professional Teaching Standards certification. The term of the advanced license shall be the same as the balance of the term of the educator's National Board for Professional Teaching Standards certification. The Department may also issue an advanced license to an educator who, upon application, demonstrates proficiency under an equivalent program that has been approved in rules and regulations promulgated and adopted under this chapter.

§ 1216. License extension; license freeze.

(b) An educator may take an extended leave of absence for up to 3 years with no effect upon the validity or expiration of the educator's initial, continuing or advanced license.

(c) If an applicant is not employed by a public school district or charter school, the initial license shall be inactive until such time as the applicant is employed by a public school district or charter school. Once employed, the initial license shall be in effect for up to 4 years and all rules and regulations promulgated and adopted under this chapter shall apply.

§ 1218. Limitation, suspension and revocation of licenses.

(s) For the purpose of this section only, the term "license" shall include a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003, an initial license issued pursuant to § 1210 of this title, a continuing license issued pursuant to § 1211 of this title, or an advanced license issued pursuant to § 1213 of this title.

Section 2. Amend Subchapter V, Chapter 12, Title 14 of the Delaware Code as follows:

§ 1250. Established.

A special institute to be run by 1 or more of Delaware's teacher training institutions shall be established to provide a program for college graduates without a license and/or certificate to become licensed and certified to teach in Delaware public schools. The program shall be designed for such graduates, who hold a bachelor's degree but who have no teacher training or previous teaching experience. The Professional Standards Board and the State Board of Education shall promulgate and adopt rules and regulations pursuant to this chapter that are relative to the special institute for teacher licensure and certification and the teacher training institution or institutions will set up and manage the program. There will be no tuition charged to persons participating in the special institute leading to initial licensure and certification.

§ 1251. Standards for admission.

Any individual seeking licensure and/or certification under this subchapter shall meet the following minimum requirements:

(1) Must have received a bachelor's degree, other than in Education, from a regionally accredited 4-year program. The major field of study must be in a content area that has been designated as a critical needs area by the Department of Education.

(2) Must have a grade point index in the major field of the bachelor's degree which is 2/10 of a point higher than the grade point index required for students entering regular teacher education programs at the teacher education institution or institutions.

(3) [Repealed.]

(4) Must agree to teach at least 1 year in a Delaware public school for each year the individual receives funding. Such service is to be completed within 5 years of the individual's successful completion of the Special Institute for Teacher Licensure and Certification Program. For failure to meet this requirement, the individual shall agree to pay back a sum equivalent to the tuition which would have been paid for the coursework leading to licensure. An individual can meet this requirement either by actually teaching in a Delaware public school for 1 year or by providing a notarized statement that the individual has sought employment in at least 5 Delaware public school districts but has not been able to secure a teaching position in any of those districts. The notarized statement must be accompanied by evidence of unsuccessful applications for teaching positions in at least 5 Delaware public school districts.

§ 1252. Format of special institute program.

The general format for the special institute shall include the following:

(1) For the individual seeking licensure and certification in a secondary content area which corresponds to the major field of study in the bachelor's program, it is intended that 1 summer of courses in the special institute; 1/2 year (1 semester) of student teaching, or 1 year of supervised, full-time teaching experience in a Delaware public school; and additional coursework as necessary constitute the program of study leading to the initial license and standard certificate. An initial license conditioned on continued enrollment in the Special Institute and an emergency certificate shall be issued to the person employed to complete the 1 year of full-time teaching experience in lieu of student teaching. Upon successful completion of the Special Institute for Teacher Licensure and Certification Program, the individual shall receive an initial license valid for a 3-year term, and a standard certificate. If the initial licensee intends to apply for a continuing license, the licensee shall, prior to the expiration of that initial license, obtain a passing score on an approved performance assessment within the first 2 years of obtaining the initial license.

(2) For individuals seeking licensure and certification in elementary or special education, it is intended that 2 summers of courses in the special institute (immediately before and after a student teaching experience or 1 year full-time teaching experience); 1/2 year of student teaching or 1 year of supervised, full-time teaching experience in a Delaware public school; and additional coursework as necessary constitute the program of study leading to the

initial license and standard certificate. An initial license conditioned on continued enrollment in the Special Institute and an emergency certificate shall be issued to the person employed to complete the 1 year of full-time teaching experience in lieu of student teaching. Upon successful completion of the Special Institute for Teacher Licensure and Certification Program, the individual shall receive an initial license valid for a 4 year term and a standard certificate. If the initial licensee intends to apply for a continuing license, the licensee shall, prior to the expiration of that initial license, obtain a passing score on an approved performance assessment within the first 2 years of obtaining the initial license.

Section 3. Amend Subchapter VI, Chapter 12, Title 14 of the Delaware Code as follows:

§ 1260. Requirements for the participation in alternative routes for teacher licensure and certification program [Effective until Apr. 20, 2018]

(a) Subject to § 1217 of this title and notwithstanding any other provision in this chapter to the contrary, candidates seeking participation in an alternative routes for teacher licensure and certification program shall be issued an initial license conditioned on continued enrollment in an alternative routes for teacher licensure and certification program and an emergency certificate or certificates provided they:

(1) Either:

a. Hold a bachelor's degree from a regionally accredited college or university in a coherent major or its equivalent, which shall be no less than 30 credit hours appropriate to the instructional field; or

b. Hold a bachelor's degree from a regionally accredited college or university and are enrolled in the Teach For America program or a teacher residency program and have completed all preservice requirements for such program and, where applicable and available, have achieved a passing score on an examination of content knowledge, such as Praxis II, for the area in which such individual will be teaching;

(2) Pass a content readiness exam for fields of teaching specialization, if applicable and available. Candidates must pass a content readiness exam, if applicable and available, within the period of time from the date of hire to the end of the next consecutive fiscal year. Notwithstanding the foregoing sentence, candidates enrolled in the Teach For America Program or a teacher residency program shall, where applicable and available, have achieved a passing score on an examination of content knowledge, such as Praxis II, for the area in which such candidate will be teaching prior to taking full responsibility for teaching a classroom;

(3) Obtain an acceptable health clearance as per Department of Education regulations and an acceptable criminal background check clearance; and

(4) Obtain and accept an offer of employment in a position that requires instructional certification.

(c) If the initial licensee intends to apply for a continuing license, the licensee shall, prior to the expiration of that initial license, obtain a passing score on an approved performance assessment within the first two years of obtaining the initial license.

§ 1260. Requirements for the participation in alternative routes for teacher licensure and certification program [Effective Apr. 20, 2018]

(a) Subject to § 1217 of this title and notwithstanding any other provision in this chapter to the contrary, candidates seeking participation in an alternative routes for teacher licensure and certification program shall be issued an initial license conditioned on continued enrollment in an alternative routes for teacher licensure and certification program and an emergency certificate or certificates provided they:

(1) Hold a bachelor's degree from a regionally accredited college or university in a coherent major or its equivalent, which shall be no less than 30 credit hours appropriate to the instructional field;

(2) Pass a content readiness exam for fields of teaching specialization, if applicable and available. Candidates must pass a content readiness exam, if applicable and available, within the period of time from the date of hire to the end of the next consecutive fiscal year;

(3) Obtain an acceptable health clearance as per Department of Education regulations and an acceptable criminal background check clearance; and

(4) Obtain and accept an offer of employment in a position that requires instructional certification.

(c) If the initial licensee intends to apply for a continuing license, the licensee shall, prior to the expiration of that initial license, obtain a passing score on an approved performance assessment within the first two years of obtaining the initial license.

§ 1263. Recommendation for initial licensure and certification of teacher participating in the alternative routes for teacher licensure and certification program.

(a) At the conclusion of an alternative routes for teacher licensure and certification program, the certified evaluators shall prepare a comprehensive evaluation report on the performance of the teacher participating in an alternative routes for teacher licensure and certification program. This report shall be submitted by the certified evaluators directly to the Department of Education and shall contain a recommendation as to whether or not a license should be issued to the teacher participating in an alternative routes for teacher licensure and certification program. Such license shall be an initial license valid for the balance of the 4 year term, if the participant has completed the program in less than 4 years, or continuing license, if the 4 year term of the initial license has expired.

Section 4. Amend Section 122(b), Title 14 of the Delaware Code as follows:

§ 122. Rules and regulations.

(b) The Department shall prescribe rules and regulations:

(27)a. Implementing a 1-time fee of no more than \$100 for all applicants for an educator's first license in Delaware; provided, however, that the fee shall be reimbursed for any applicant who becomes employed as a teacher in a Delaware public school. All moneys collected pursuant to this paragraph shall be deposited in the General Fund, with the exception of \$90,000, which shall be retained annually by the Department in a special fund to be established for the sole purpose of reimbursing educators. Rules and regulations promulgated pursuant to this paragraph shall be subject to approval by the State Board of Education;

b. An applicant who meets the performance assessment requirement in Chapter 12, Subchapter II and becomes employed in a Delaware public school will be reimbursed no less than \$100. The reimbursements may be provided from funds collected under paragraph (b)(27)1. Of this section; and

Section 5. This Act will be effective upon enactment. After the enactment date, the Department shall issue an initial license to any individual who holds a non-expired provisional license. The newly provided initial license will become valid upon issue and any requirements for initial license will become effective commencing on the issue date. An individual issued an initial license prior to the enactment date shall not be subject to the requirement of a passing score on an approved performance assessment or a passing score on a general knowledge exam.

Approved June 20, 2017